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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
Amendment of Section 73.202(b))	MM Docket No. 93-243
Table of Allotments,)	
FM Broadcast Stations)	RM-8314
(Park Rapids, Minnesota))	

TO: Michael C. Ruger, Chief
Allocations Branch, Policy and Rules Division
Mass Media Bureau

REPLY COMMENTS OF ROGER PASKVAN

1. Roger Paskvan hereby submits his Reply Comments to the "Counterproposal" submitted by Edward P. DeLaHunt in response to the Notice of Proposed Rule Making ("NPRM"), released September 9, 1993, 58 F.R. 48819 (September 20, 1993), in the above-captioned rule making proceeding. In the NPRM, the Commission proposed the allotment of Channel 223A to Park Rapids, Minnesota, as Mr. Paskvan had himself proposed in his Petition for Rule Making which initiated this proceeding. ^{1/} In his Counterproposal, Mr. DeLaHunt has suggested that Channel 222C3 should instead be allotted to Bagley, Minnesota.

2. Mr. Paskvan has no objection to the allotment of a channel (whether that channel is Channel 222C3 or some other channel) to Bagley as long as some FM channel is allotted to Park Rapids. According to engineering studies prepared for Mr. Paskvan, at least four channels (including Channels 223A,

^{1/} In Comments submitted in response to the NPRM on October 28, 1993, Mr. Paskvan reaffirmed his intention to file for the channel if it is allotted as proposed.

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231A, 233A and 240A) are available for allotment to Park Rapids consistently with all applicable allotment criteria. Mr. Paskvan believes that, of those channels, Channel 240A would be most preferable for allotment to Park Rapids. Accordingly, Mr. Paskvan specifically proposes that Channel 240A -- or any other channel which the Commission may deem more suitable -- be considered as an alternative to Channel 223A, in the event that the Commission concludes that Mr. DeLaHunt's counterproposal should be given favorable consideration. Mr. Paskvan presently intends to submit an application for a construction permit for the Park Rapids channel, and, if that application is granted, he intends to construct and operate a station on that channel.

3. Mr. Paskvan is mindful of the prohibition against submitting counterproposals in reply comments in channel allotment proceedings. See Section 1.420(d) of the Commission's Rules. The instant reply comments are not, however, intended to constitute any formal "counterproposal". Rather, they are intended to reflect Mr. Paskvan's sincere and continuing desire to bring a new FM service to Park Rapids as quickly as possible, with an absolute minimum of unnecessary delay. To the extent that Mr. DeLaHunt's counterproposal, if adopted by the Commission, might preclude the allotment of Channel 223A to Park Rapids as originally proposed, then Mr. Paskvan submits that one of the multiple other channels available for allotment to Park Rapids be allotted instead. Consideration of such alternative allotments is specifically contemplated in the NPRM at Appendix,

Paragraph 3(c) ("The filing of a counterproposal may lead the Commission to allot a different channel than was requested for any of the communities involved.")

4. Mr. Paskvan is also constrained to observe that the counterproponent, Mr. DeLaHunt, also happens to control the licensee of the only commercial FM station currently authorized to operate in Park Rapids. Presumably, any delay in the allotment of a new channel to Park Rapids would delay the initiation of competition to Mr. DeLaHunt's station, and would thus be in Mr. DeLaHunt's private commercial interest (as opposed to the public interest, which clearly supports the initiation of a competitive service). Of course, Mr. DeLaHunt's counterproposal may have been submitted out of a serious desire to bring service to the 1,300 or so residents of Bagley, and not out of any attempt to delay the arrival of competition in Park Rapids. The ultimate proof of that will be in the counterproponent's actions if his counterproposal is granted.

5. Whatever may be the case, though, Mr. Paskvan urges the Commission to avoid any delay in the allotment of a new channel to Park Rapids. That is, since there are clearly multiple channels available for allotment to Park Rapids consistently both with the Commission's allotment criteria and with the counterproposal, the Commission should not permit the mere submission of that counterproposal to slow in any way a new Park Rapids allotment. As noted above, Mr. Paskvan continues to advocate such an allotment, and Mr. Paskvan continues to intend

to apply for such a construction permit on such an allotment and to construct and operate a station thereon if his application is granted.

WHEREFORE, for the reasons stated, Roger Paskvan submits that, irrespective of Mr. DeLaHunt's Counterproposal, the Commission should proceed promptly to allot a new FM channel to Park Rapids, Minnesota.

Respectfully submitted,


/s/ Harry F. Cole
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November 16, 1993

CERTIFICATE OF SERVICE

I, Harry F. Cole, hereby certify that, on this 16th day of November, 1993, I caused to be placed in the U.S. mail, first class postage prepaid, copies of the foregoing "Reply Comments of Roger Paskvan" addressed to the following:

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